

Issued June 28, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 440, FOOD AND DRUGS ACT.

MISBRANDING OF CANNED CORN.

(SHORT WEIGHT.)

On or about July 4, 1908, the A. N. Chancy Company, Des Moines, Iowa, shipped from the State of Iowa to the State of California 900 cases of canned sweet corn. An examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination and the report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the northern district of California.

In due course a libel was filed in the District Court of the United States for said District, charging said product to be misbranded within the meaning of the act, in that, whereas each of the said 900 cases bore the label or brand "2 Doz. 2-lb. Sweet Corn, Audubon Canning Co., Audubon, Iowa," as a matter of truth and fact the average weight of corn in each can of each and every case above mentioned was only 1 pound $5\frac{3}{4}$ ounces and the correct weight of the corn in said cans was not plainly and correctly stated on the outside of the cases or stated at all, and the label appearing on cases of the corn mentioned was, therefore, false and misleading in the particulars just stated.

Thereupon Getz Brothers & Company, San Francisco, Cal., entered an appearance and set up claim to this product, and the case coming on for hearing, the goods were released to said claimant in accordance with the provisions of section 10 of the act, by order of court, upon the filing of a bond conditioned that said product should not be sold in violation of law.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 23, 1910.*

